

HOUSE BILL No. 4763

May 22, 2013, Introduced by Reps. Schmidt, Durhal, Stallworth, Banks, McCready, Stanley, Yanez and Dianda and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 727c and 741 (MCL 257.727c and 257.741),
section 727c as amended by 1999 PA 73 and section 741 as amended by
2006 PA 298, by adding a division heading, and by adding sections
751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, and 762.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 727c. (1) As used in this act, "citation" means ~~a~~**EITHER**
2 **OF THE FOLLOWING:**

3 **(A)** A complaint or notice upon which a police officer shall
4 record an occurrence involving 1 or more vehicle law violations by
5 the person cited.

6 **(B)** A COMPLAINT OR NOTICE SIGNED BY A POLICE OFFICER AND
7 ISSUED UNDER SECTION 752.

1 (2) Each citation shall be numbered consecutively, be in a
2 form as determined by the secretary of state, the attorney general,
3 the state court administrator, and the director of the department
4 of state police and shall consist of the following parts:

5 (a) The original, which shall be a complaint or notice to
6 appear by the officer and shall be filed with the court in which
7 the appearance is to be made.

8 (b) The first copy, which shall be retained by the local
9 traffic enforcement agency.

10 (c) The second copy, which shall be delivered to the alleged
11 violator if the violation is a misdemeanor.

12 (d) The third copy, which shall be delivered to the alleged
13 violator if the violation is a civil infraction **OR A CIVIL OFFENSE.**
14 **AS USED IN THIS SUBDIVISION, "CIVIL OFFENSE" MEANS THAT TERM AS**
15 **DEFINED IN SECTION 751.**

16 (3) ~~(2)~~With the prior approval of the state officials
17 enumerated in subsection ~~(1)~~, ~~(2)~~, the citation may be
18 appropriately modified as to content or number of copies to
19 accommodate law enforcement and local court procedures and
20 practices. Use of this citation for other than moving violations is
21 optional.

22 (4) ~~(3)~~For purposes of this act, a complaint signed by a
23 police officer shall be treated as made under oath if the violation
24 alleged in the complaint is either a civil infraction or a
25 misdemeanor or ordinance violation for which the maximum
26 permissible penalty does not exceed 93 days in jail or a fine, or
27 both, and occurred or was committed in the signing officer's

1 presence or under circumstances permitting the officer's issuance
2 of a citation under section 625a or 728(8), and if the complaint
3 contains the following statement immediately above the date and
4 signature of the officer:

5 "I declare under the penalties of perjury that the statements
6 above are true to the best of my information, knowledge, and
7 belief."

8 (5) A COMPLAINT SIGNED BY A POLICE OFFICER SHALL BE TREATED AS
9 MADE UNDER OATH IF THE VIOLATION ALLEGED IN THE COMPLAINT IS A
10 CIVIL OFFENSE DESCRIBED IN SECTION 752 AND IF THE COMPLAINT
11 CONTAINS THE FOLLOWING STATEMENT IMMEDIATELY ABOVE THE DATE AND
12 SIGNATURE OF THE POLICE OFFICER:

13 "I DECLARE UNDER THE PENALTIES OF PERJURY THAT THE STATEMENTS
14 ABOVE ARE TRUE TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND
15 BELIEF."

16 Sec. 741. (1) A civil infraction action is a civil action in
17 which the defendant is alleged to be responsible for a civil
18 infraction **OR A CIVIL OFFENSE**. A civil infraction **OR CIVIL OFFENSE**
19 action is commenced upon the issuance and service of a citation as
20 provided in section 742 **OR 752**. The plaintiff in a civil infraction
21 **OR CIVIL OFFENSE** action shall be either the state, if the alleged
22 civil infraction is a violation of this act, or a political
23 subdivision, if the alleged civil infraction **OR CIVIL OFFENSE** is a
24 violation of a local ordinance of that subdivision ~~which~~**THAT**
25 substantially corresponds to a provision of this act.

26 (2) The following courts shall have jurisdiction over civil
27 infraction actions **AND CIVIL OFFENSES**:

(a) The district court.

(b) ~~Any~~**A** municipal court.

(3) The time specified in a citation for appearance shall be within a reasonable time after the citation is issued ~~pursuant to~~ **UNDER** section 742 **OR 752**.

(4) The place specified in the citation for appearance shall be the court listed in subsection (2) ~~which~~**THAT** has territorial jurisdiction of the place where the civil infraction **OR CIVIL OFFENSE** occurred. Venue in the district court shall be governed by section 8312 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8312.

(5) If the person cited is a minor, that individual shall be permitted to appear in court or to admit responsibility for a civil infraction without the necessity of appointment of a guardian or next friend. The courts listed in subsection (2) ~~shall~~ have jurisdiction over the minor and may proceed in the same manner and in all respects as if that individual were an adult.

(6) **AS USED IN THIS SECTION, "CIVIL OFFENSE" MEANS A VIOLATION ISSUED UNDER SECTION 752.**

AUTOMATED TRAFFIC ENFORCEMENT

SEC. 751. AS USED IN THIS SECTION THROUGH SECTION 762:

(A) "AGENT" MEANS A PERSON OR ENTITY THAT IS AUTHORIZED BY A LOCAL UNIT OF GOVERNMENT TO ADMINISTER THE PROCEDURES DESCRIBED IN THIS DIVISION THAT DOES ALL OF THE FOLLOWING:

(i) PROVIDES SERVICES TO A LOCAL UNIT OF GOVERNMENT.

(ii) OPERATES, MAINTAINS, LEASES, OR LICENSES AN AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE.

1 (iii) IS AUTHORIZED TO REVIEW AND ASSEMBLE THE RECORDED IMAGES
2 CAPTURED BY THE AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE FOR
3 REVIEW BY A POLICE OFFICER.

4 (B) "AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE" MEANS A
5 DEVICE THAT SATISFIES ALL OF THE FOLLOWING REQUIREMENTS:

6 (i) IT IS CAPABLE OF PRODUCING A PHOTOGRAPHICALLY RECORDED
7 STILL OR VIDEO IMAGE OF THE REAR OF A MOTOR VEHICLE, OR THE REAR OF
8 A MOTOR VEHICLE BEING TOWED BY ANOTHER MOTOR VEHICLE, INCLUDING AN
9 IMAGE OF THE VEHICLE'S REAR LICENSE PLATE.

10 (ii) IT INDICATES ON 1 OR MORE OF THE IMAGES PRODUCED THE DATE,
11 TIME, AND LOCATION OF THE VIOLATION AND THE INTERSECTION TRAFFIC
12 CONTROL SIGNAL.

13 (C) "CIVIL OFFENSE" MEANS A VIOLATION OF A TRAFFIC LAW THAT IS
14 OR MAY BE PROSECUTED UNDER THIS DIVISION AND THAT IS NOT A CIVIL
15 INFRACTION.

16 (D) "LOCAL UNIT OF GOVERNMENT" MEANS A STATE UNIVERSITY OR
17 COLLEGE OR A COUNTY, CITY, VILLAGE, OR TOWNSHIP.

18 (E) "OWNER" MEANS A PERSON OR PERSONS IN WHOSE NAME A MOTOR
19 VEHICLE IS REGISTERED IN THIS STATE, ANOTHER STATE, OR ANOTHER
20 COUNTRY, OR WITH THE FEDERAL GOVERNMENT, EXCEPT AS FOLLOWS:

21 (i) A MOTOR VEHICLE RENTAL OR LEASING COMPANY WHEN A MOTOR
22 VEHICLE REGISTERED BY THE COMPANY IS BEING OPERATED BY ANOTHER
23 PERSON UNDER A RENTAL OR LEASE AGREEMENT WITH THE COMPANY, IN WHICH
24 EVENT OWNER MEANS THE PERSON TO WHOM THE VEHICLE IS RENTED OR
25 LEASED.

26 (ii) A MOTOR VEHICLE DISPLAYING A DEALER LICENSE PLATE, IN
27 WHICH EVENT OWNER MEANS THE PERSON TO WHOM THE VEHICLE IS ASSIGNED

1 FOR USE.

2 (iii) A MOTOR VEHICLE THAT WAS REPORTED STOLEN TO A LAW
3 ENFORCEMENT AGENCY BEFORE THE TIME OF THE CIVIL OFFENSE, IN WHICH
4 EVENT OWNER MEANS THE PERSON WHO IS FOUND GUILTY OF STEALING THE
5 MOTOR VEHICLE.

6 SEC. 752. (1) A LOCAL UNIT OF GOVERNMENT MAY OPERATE AN
7 AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE PROGRAM AND MAY
8 PROSECUTE VIOLATIONS DETECTED BY AN AUTOMATED TRAFFIC ENFORCEMENT
9 SAFETY DEVICE UPON ENACTING AN ORDINANCE OR ADOPTING A RESOLUTION
10 AUTHORIZING THE USE OF AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES
11 AND PUBLISHING NOTICE OF THE LOCATION OR LOCATIONS OF THE AUTOMATED
12 TRAFFIC ENFORCEMENT SAFETY DEVICES ON ITS WEBSITE AND THE FACTORS
13 THAT LED TO THE SELECTION OF AUTOMATED TRAFFIC ENFORCEMENT SAFETY
14 DEVICE PLACEMENT AT A PARTICULAR INTERSECTION, INCLUDING, BUT NOT
15 LIMITED TO, THE FOLLOWING FACTORS:

16 (A) THE NUMBER OF VEHICLE CRASHES THAT OCCURRED AT THE
17 INTERSECTION DURING THE PRECEDING YEAR.

18 (B) THE AVERAGE NUMBER OF PEDESTRIANS AND OTHER NONMOTORIZED
19 VEHICLES CROSSING THE INTERSECTION DURING THE PRECEDING YEAR.

20 (C) WHETHER THE INTERSECTION IS A HIGH-CONGESTION AREA.

21 (D) ANY OTHER TRAFFIC OR TRAFFIC-RELATED ISSUES THE LOCAL UNIT
22 OF GOVERNMENT CONSIDERS RELEVANT TO ENSURE PUBLIC SAFETY.

23 (2) A LOCAL UNIT OF GOVERNMENT SHALL NOT CONSIDER THE AMOUNT
24 OF THE FINES, COSTS, AND FEES COLLECTED AS A RESULT OF MOVING
25 VIOLATION CITATIONS ISSUED AT A SPECIFIC INTERSECTION IN
26 DETERMINING WHERE AN AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE IS
27 PLACED.

1 (3) A LOCAL UNIT OF GOVERNMENT MAY APPOINT 1 OR MORE PERSONS
2 OR ENTITIES TO SERVE AS AGENT TO ADMINISTER AN AUTOMATED TRAFFIC
3 ENFORCEMENT SAFETY DEVICE PROGRAM AND MAY ENTER INTO AN AGREEMENT
4 WITH A PRIVATE AGENT FOR THE INSTALLATION, OPERATION, NOTICE
5 PROCESSING, AND ADMINISTRATION AND MAINTENANCE OF AUTOMATED TRAFFIC
6 ENFORCEMENT SAFETY DEVICES.

7 (4) A LOCAL UNIT OF GOVERNMENT MAY CONTRACT FOR THE OPERATION
8 OF AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES AUTHORIZED UNDER
9 THIS SECTION THROUGH INTERGOVERNMENTAL AGREEMENTS WITH ANOTHER
10 LOCAL UNIT OF GOVERNMENT.

11 (5) BEFORE ENFORCING CITATIONS ISSUED UNDER AN ORDINANCE OR
12 RESOLUTION ENACTED OR ADOPTED UNDER THIS SECTION, THE LOCAL UNIT OF
13 GOVERNMENT SHALL INSTALL ADVANCE WARNING SIGNS WITHIN 500 FEET
14 ALONG THE APPROACH OF ANY ROADWAY AT WHICH A NONMOBILE AUTOMATED
15 TRAFFIC ENFORCEMENT SAFETY DEVICE IS LOCATED. THE ADVANCE WARNING
16 SIGNS SHALL NOTIFY MOTORISTS OF THE EXISTENCE OF THE AUTOMATED
17 TRAFFIC ENFORCEMENT SAFETY DEVICE AND SHALL COMPLY WITH THE
18 MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.

19 (6) THE TIMING OF AN AUTOMATED TRAFFIC ENFORCEMENT SAFETY
20 DEVICE LOCATED AT INTERSECTION TRAFFIC CONTROL SIGNALS WITH A
21 YELLOW LIGHT SIGNAL TIME SHALL MEET STANDARDS CONTAINED IN THE MOST
22 RECENT EDITION OF THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL
23 DEVICES.

24 (7) ANY ORDINANCE ENACTED OR RESOLUTION ADOPTED UNDER THIS
25 SECTION SHALL SPECIFY ALL OF THE FOLLOWING:

26 (A) THAT THE OWNER OF A MOTOR VEHICLE COMMITS A VIOLATION OF
27 THE ORDINANCE IF THE AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE

1 PRODUCES A RECORDED IMAGE OR IMAGES, OR VIDEO, OF A MOTOR VEHICLE
2 IN VIOLATION OF THE PROVISIONS OF SECTION 612 OR 614, OR A LOCAL
3 ORDINANCE SUBSTANTIALLY SIMILAR TO SECTION 612 OR 614, PERTAINING
4 TO TRAFFIC CONTROL SIGNALS EXHIBITING EITHER A RED LIGHT OR A
5 FLASHING RED LIGHT.

6 (B) THAT THE OWNER OF A MOTOR VEHICLE ESTABLISHES A DEFENSE IF
7 THE PERSON IDENTIFIED AS HAVING THE CARE, CUSTODY, OR CONTROL OF
8 THE MOTOR VEHICLE, OR IDENTIFIED AS THE OPERATOR OF THE MOTOR
9 VEHICLE AT THE TIME OF THE VIOLATION, IS NOT THE OWNER.

10 (C) THAT PAYMENT OF A PENALTY AND ASSOCIATED COSTS AND FEES
11 IMPOSED FOR A VIOLATION OF AN ORDINANCE ENACTED OR RESOLUTION
12 ADOPTED UNDER THIS SECTION MAY BE MADE BY ELECTRONIC MEANS.

13 (D) THAT A POLICE OFFICER SHALL REVIEW AND APPROVE THE
14 RECORDED IMAGE OR IMAGES BEFORE THE NOTICES DESCRIBED IN SUBSECTION
15 (9) ARE MAILED TO THE OWNER OF THE MOTOR VEHICLE.

16 (E) THAT FOR A PERIOD OF AT LEAST 30 DAYS AFTER THE FIRST
17 AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE IS PLACED IN THE LOCAL
18 JURISDICTION, A VIOLATION RECORDED BY ANY AUTOMATED TRAFFIC
19 ENFORCEMENT SAFETY DEVICE MAY BE ENFORCED ONLY BY THE ISSUANCE OF A
20 WARNING.

21 (8) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (7), ALL OF
22 THE FOLLOWING APPLY TO AN ORDINANCE ADOPTED UNDER THIS SECTION:

23 (A) IT SHALL IMPOSE A CIVIL FINE OF NOT MORE THAN \$130.00 FOR
24 CIVIL OFFENSES RECORDED BY AN AUTOMATED TRAFFIC ENFORCEMENT SAFETY
25 DEVICE.

26 (B) IT MAY IMPOSE FEES ASSOCIATED WITH THE ELECTRONIC
27 PROCESSING OF THE PAYMENT OF THE CIVIL FINE IMPOSED FOR A VIOLATION

1 OF THE ORDINANCE AND RELATED ADMINISTRATIVE FEES.

2 (C) IT SHALL PROVIDE THAT THE CIVIL FINE IMPOSED FOR A
3 VIOLATION OF THE ORDINANCE OR RESOLUTION WILL BE APPLIED TO DEFRAY
4 THE COSTS OF THE INSTALLATION, OPERATION, AND MAINTENANCE OF THE
5 AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE PROGRAM, AND THAT THE
6 REMAINING FUNDS SHALL BE DISTRIBUTED AS FOLLOWS:

7 (i) FIFTY PERCENT SHALL BE DEPOSITED IN THE GENERAL FUND OF THE
8 LOCAL GOVERNMENTAL UNIT.

9 (ii) FIFTY PERCENT SHALL BE PAID TO THE STATE TREASURER FOR
10 DEPOSIT IN THE GENERAL FUND OF THIS STATE.

11 (9) THE LOCAL UNIT OF GOVERNMENT OR ITS AGENT SHALL MAIL TO
12 THE OWNER OF A MOTOR VEHICLE ALLEGED TO HAVE COMMITTED A CIVIL
13 OFFENSE NOTICE OF THE CIVIL OFFENSE BY FIRST-CLASS MAIL POSTMARKED
14 NO LATER THAN 30 DAYS AFTER OBTAINING THE NAME AND ADDRESS OF THE
15 OWNER OF THE MOTOR VEHICLE BUT NO MORE THAN 60 DAYS AFTER THE DATE
16 OF THE ALLEGED VIOLATION. IF THERE IS MORE THAN 1 OWNER, THE NOTICE
17 MAY BE ISSUED TO THE FIRST PERSON LISTED ON THE TITLE OR OTHER
18 EVIDENCE OF OWNERSHIP, OR JOINTLY TO ALL LISTED OWNERS. THE NOTICE
19 SHALL INCLUDE ALL OF THE FOLLOWING:

20 (A) THE NAME AND ADDRESS OF THE PERSON ALLEGED TO BE LIABLE AS
21 THE OWNER OF THE MOTOR VEHICLE INVOLVED IN THE CIVIL OFFENSE.

22 (B) THE LICENSE PLATE NUMBER OF THE MOTOR VEHICLE.

23 (C) THE CIVIL OFFENSE CHARGED.

24 (D) THE LOCATION AND THE DATE AND TIME THE CIVIL OFFENSE
25 OCCURRED.

26 (E) THE PHOTOGRAPHIC IMAGES OF THE VEHICLE AND VEHICLE LICENSE
27 PLATE THAT ARE CAPTURED BY THE AUTOMATED TRAFFIC ENFORCEMENT SAFETY

1 DEVICE AND INFORMATION ON HOW TO VIEW, THROUGH ELECTRONIC MEANS,
2 THE RECORDED IMAGE OR IMAGES.

3 (F) A STATEMENT OR AFFIRMATION OF A LOCAL POLICE OFFICER WHO
4 HAS REVIEWED THE RECORDED IMAGE OR IMAGES DESCRIBED IN THIS
5 SUBSECTION AND DETERMINED THAT THE MOTOR VEHICLE VIOLATED THE
6 ORDINANCE OR RESOLUTION.

7 (G) A STATEMENT THAT RECORDED IMAGES ARE PRIMA FACIE EVIDENCE
8 OF A CIVIL OFFENSE.

9 (H) THE AMOUNT OF THE CIVIL FINE, COSTS, FEES, AND ASSESSMENTS
10 IMPOSED FOR THE CIVIL OFFENSE ALONG WITH THE TIME, PLACE, AND
11 MANNER FOR PAYMENT.

12 (10) EXCEPT AS OTHERWISE PROVIDED IN THIS DIVISION, A CITATION
13 ISSUED UNDER THIS SECTION SHALL HAVE THE SAME FORCE AND EFFECT AS A
14 CITATION ISSUED UNDER SECTION 742, AND THE PROCEDURES PRESCRIBED
15 UNDER THIS CHAPTER APPLICABLE TO CITATIONS ISSUED UNDER SECTION 742
16 ALSO APPLY TO CITATIONS ISSUED UNDER THIS SECTION.

17 (11) NOTWITHSTANDING ANY OTHER STATE STATUTE OR LOCAL
18 ORDINANCE OR RESOLUTION, A CHALLENGE TO THE ENACTMENT OF AN
19 ORDINANCE OR ADOPTION OF A RESOLUTION UNDER THIS SECTION SHALL BE
20 BROUGHT WITHIN 30 DAYS OF THE PASSAGE OR ADOPTION OF THE ORDINANCE
21 OR RESOLUTION.

22 (12) PROOF OF THE REGISTRATION NUMBER OF A MOTOR VEHICLE AND
23 CORRESPONDING IDENTITY OF ITS OWNER IS PRIMA FACIE EVIDENCE
24 ESTABLISHING THE OWNERSHIP OF THE VEHICLE.

25 (13) IT IS A REBUTTABLE PRESUMPTION THAT THE OWNER OF THE
26 VEHICLE WAS OPERATING THE VEHICLE AT THE TIME A CIVIL OFFENSE
27 OCCURRED.

1 (14) THE ACTIVITIES OF AN AGENT AUTHORIZED AS DESCRIBED UNDER
2 THIS SECTION SHALL NOT CONSTITUTE PROVIDING OR PARTICIPATING IN
3 PRIVATE INVESTIGATIVE SERVICES OR ACTING AS A STATUTORY AUTHORITY
4 UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO
5 15.246.

6 SEC. 753. (1) A PERSON WHO RECEIVES A CITATION ISSUED UNDER
7 SECTION 752 MAY RAISE ANY OF THE FOLLOWING DEFENSES, IN LIEU OF OR
8 IN ADDITION TO ANY OTHER DEFENSE:

9 (A) A CITATION WAS ISSUED TO THE OPERATOR OF THE MOTOR VEHICLE
10 FOR THE SAME CONDUCT BY A POLICE OFFICER PRESENT AT THE SCENE OF
11 THE CIVIL OFFENSE RECORDED BY THE AUTOMATED TRAFFIC ENFORCEMENT
12 SAFETY DEVICE.

13 (B) THE CIVIL OFFENSE OCCURRED DURING A PERIOD OF TIME IN
14 WHICH THE MOTOR VEHICLE OR LICENSE PLATE HAD BEEN REPORTED AS
15 STOLEN TO A LAW ENFORCEMENT AGENCY AND HAD NOT BEEN RECOVERED PRIOR
16 TO THE TIME OF THE CIVIL OFFENSE, IF A COPY OF THE REPORT OF THE
17 THEFT IS PRODUCED AND AUTHENTICATED.

18 (C) AT THE TIME OF THE ALLEGED CIVIL OFFENSE, THE MOTOR
19 VEHICLE WAS IN THE CARE, CUSTODY, OR CONTROL OF A PERSON OTHER THAN
20 THE OWNER, OR AN EMPLOYEE OF THE OWNER OF THE MOTOR VEHICLE, OR
21 UNDER A WRITTEN AGREEMENT FOR THE RENTAL OR LEASE OF THE MOTOR
22 VEHICLE FOR A PERIOD OF NOT MORE THAN 60 DAYS.

23 (2) IF A DEFENSE UNDER SUBSECTION (1) (C) IS INVOKED, THE OWNER
24 MUST PROVIDE TO THE COURT OR AGENT FOR THE LOCAL UNIT OF GOVERNMENT
25 A SWORN AFFIDAVIT SIGNED UNDER PENALTY OF PERJURY CONTAINING THE
26 NAME AND ADDRESS OF THE PERSON WHO HAD CARE, CUSTODY, OR CONTROL OF
27 THE MOTOR VEHICLE, INCLUDING AN EMPLOYEE OF THE OWNER, OR WHO WAS

1 RENTING OR LEASING THE MOTOR VEHICLE AT THE TIME THE ALLEGED CIVIL
2 OFFENSE OCCURRED.

3 (3) IF THE OWNER OF A MOTOR VEHICLE MEETS THE AFFIDAVIT
4 REQUIREMENTS OF SUBSECTION (2), THE COURT OR AGENT FOR THE LOCAL
5 UNIT OF GOVERNMENT SHALL MAIL A NOTICE OF THE CITATION TO THE
6 PERSON IDENTIFIED AS HAVING THE CARE, CUSTODY, OR CONTROL OF THE
7 MOTOR VEHICLE AT THE TIME OF THE CIVIL OFFENSE OCCURRED. THE PROOF
8 REQUIRED UNDER SUBSECTION (2) CREATES A REBUTTABLE PRESUMPTION THAT
9 THE PERSON HAVING THE CARE, CUSTODY, OR CONTROL OF THE MOTOR
10 VEHICLE AT THE TIME THE CIVIL OFFENSE OCCURRED WAS THE OPERATOR OF
11 THE MOTOR VEHICLE AT THE TIME THE CIVIL OFFENSE OCCURRED. THE
12 NOTICE REQUIRED UNDER THIS SUBSECTION SHALL CONTAIN THE FOLLOWING:

13 (A) THE INFORMATION DESCRIBED IN SECTION 752(9).

14 (B) A STATEMENT THAT THE PERSON RECEIVING THE NOTICE WAS
15 IDENTIFIED BY THE OWNER OF THE MOTOR VEHICLE AS THE PERSON HAVING
16 THE CARE, CUSTODY, OR CONTROL OF THE MOTOR VEHICLE AT THE TIME THE
17 CIVIL OFFENSE OCCURRED.

18 (C) A STATEMENT THAT A PERSON MAY OFFER A DEFENSE AS DESCRIBED
19 IN THIS SUBSECTION OR IN SUBSECTION (1). IF THE PERSON TO WHOM THE
20 OWNER IDENTIFIED AS HAVING CARE, CUSTODY, AND CONTROL OF THE MOTOR
21 VEHICLE DENIES HAVING THE CARE, CUSTODY, OR CONTROL OF THE MOTOR
22 VEHICLE AT THE TIME THE CIVIL OFFENSE OCCURRED, THE RESPONSIBILITY
23 FOR THE CIVIL OFFENSE SHALL REVERT TO THE OWNER OF THE MOTOR
24 VEHICLE.

25 (4) AN OWNER MAY NOT ATTEMPT TO TRANSFER RESPONSIBILITY MORE
26 THAN 1 TIME USING THE PROCEDURES DESCRIBED IN SUBSECTIONS (2) AND
27 (3).

1 (5) IN CASES IN WHICH A PERSON OTHER THAN THE OWNER DENIES HE
2 OR SHE WAS THE OPERATOR AND DECLINES RESPONSIBILITY, A NEW NOTICE
3 SHALL BE ISSUED TO THE OWNER STATING THAT THE OTHER PERSON DECLINED
4 RESPONSIBILITY AND GIVING THE OWNER THE OPTION OF PAYING THE CIVIL
5 FINE, COSTS, FEES, AND ASSESSMENT OR CONTESTING THE CIVIL OFFENSE
6 BY A STATED DATE THAT SHALL BE NOT LESS THAN 20 DAYS FROM THE
7 MAILING OF THE NEW NOTICE.

8 (6) IF THE OWNER CHOOSES TO CONTEST THE NOTICE OF CIVIL
9 OFFENSE AFTER THE OWNER HAS UNSUCCESSFULLY ATTEMPTED TO TRANSFER
10 RESPONSIBILITY USING THIS PROCEDURE, AND THE OWNER CLAIMS IN
11 DEFENSE THAT ANOTHER PERSON WAS THE OPERATOR OF THE MOTOR VEHICLE,
12 THE COURT MAY TAKE APPROPRIATE ACTION TO CAUSE THE OWNER AND THE
13 OTHER PERSON TO APPEAR AT THE SAME HEARING TO DETERMINE
14 RESPONSIBILITY.

15 SEC. 754. A PERSON RECEIVING A CITATION ISSUED UNDER SECTION
16 752 IS RESPONSIBLE FOR PAYMENT OF THE ASSOCIATED CIVIL FINE, COSTS,
17 FEES, AND ASSESSMENT UNLESS THE PERSON DOES EITHER OF THE
18 FOLLOWING:

19 (A) TIMELY RETURNS A SIGNED STATEMENT ON A FORM PROVIDED WITH
20 THE CIVIL OFFENSE NOTICE THAT HE OR SHE WAS NOT THE OPERATOR AND
21 DECLINING RESPONSIBILITY, IN WHICH CASE RESPONSIBILITY FOR THE
22 CIVIL OFFENSE SHALL REVERT TO THE OWNER.

23 (B) ADMITS TO BEING THE OPERATOR BUT DENIES COMMITTING A CIVIL
24 OFFENSE, IN WHICH CASE THE PERSON MAY CONTEST THE CIVIL OFFENSE IN
25 THE SAME MANNER AS THE OWNER MAY CONTEST THE CIVIL OFFENSE.

26 SEC. 755. A DESIGNATED AGENT, POLICE OFFICER, OR DESIGNATED
27 LOCAL UNIT OF GOVERNMENT EMPLOYEE IS NOT LIABLE FOR ANY LOSS THAT

1 OCCURS WHILE ACTING WITHIN THE SCOPE OF HIS OR HER EMPLOYMENT OR
2 CONTRACTUAL ENGAGEMENT TO IMPLEMENT OR ENFORCE A VIOLATION OF AN
3 ORDINANCE ADOPTED UNDER SECTION 752.

4 SEC. 756. (1) EXCEPT IN CASES WHERE THERE IS AN ADJUDICATION
5 THAT NO CIVIL OFFENSE OCCURRED OR THERE IS OTHERWISE A LAWFUL
6 DETERMINATION THAT NO CIVIL FINE, COSTS, FEES, OR ASSESSMENT SHALL
7 BE IMPOSED, THE AGENT OR LOCAL UNIT OF GOVERNMENT SHALL SEND A
8 NOTICE TO THE PERSON WHO IS THE REGISTERED OWNER OF THE MOTOR
9 VEHICLE OF ANY UNPAID CIVIL FINE IF A CIVIL OFFENSE HAS NOT BEEN
10 CONTESTED AND THE ASSESSED FINE, COSTS, FEES, AND ASSESSMENT HAVE
11 NOT BEEN PAID. THE NOTICE SHALL INFORM THE REGISTERED OWNER OF ALL
12 OF THE FOLLOWING:

13 (A) THAT THE LOCAL UNIT OF GOVERNMENT OR AGENT WILL SEND A
14 REFERRAL TO THE SECRETARY OF STATE IF THE ASSESSED FINE, COSTS,
15 FEES, AND ASSESSMENTS ARE NOT PAID WITHIN 30 DAYS AFTER THE FINAL
16 NOTICE WAS MAILED.

17 (B) THAT THE REFERRAL WILL RESULT IN THE NONRENEWAL OF THE
18 REGISTRATION OF THE MOTOR VEHICLE, CAUSE TITLE OF THE MOTOR VEHICLE
19 INVOLVED IN THE CIVIL OFFENSE TO NOT BE TRANSFERRED IN THIS STATE,
20 AND CAUSE THE PERSON HELD RESPONSIBLE FOR THE CIVIL OFFENSE TO BE
21 INELIGIBLE TO OBTAIN OR RENEW AN OPERATOR'S OR CHAUFFEUR'S LICENSE
22 IN THIS STATE IF THE ASSESSED FINE, COSTS, FEES, AND ASSESSMENT ARE
23 NOT PAID.

24 (2) THE LOCAL UNIT OF GOVERNMENT OR AGENT SHALL SEND A
25 REFERRAL TO THE SECRETARY OF STATE NOT SOONER THAN 30 DAYS AFTER
26 THE FINAL NOTICE WAS MAILED IF A CIVIL OFFENSE HAS NOT BEEN
27 CONTESTED AND THE ASSESSED FINE, COSTS, FEES, AND ASSESSMENT HAVE

1 NOT BEEN PAID. THE REFERRAL TO THE SECRETARY OF STATE SHALL INCLUDE
2 THE FOLLOWING:

3 (A) ANY INFORMATION KNOWN OR AVAILABLE TO THE AGENT OR LOCAL
4 UNIT OF GOVERNMENT CONCERNING THE LICENSE PLATE NUMBER AND YEAR OF
5 REGISTRATION AND THE NAME OF THE OWNER OF THE MOTOR VEHICLE.

6 (B) THE DATE ON WHICH THE CIVIL OFFENSE OCCURRED.

7 (C) THE DATE WHEN THE FINAL NOTICE WAS MAILED.

8 (D) THE SEAL, LOGO, EMBLEM, OR ELECTRONIC SEAL OF THE LOCAL
9 UNIT OF GOVERNMENT.

10 (3) IF THE SECRETARY OF STATE RECEIVES A REFERRAL UNDER
11 SUBSECTION (2), THE REFERRAL SHALL BE ENTERED INTO THE SECRETARY OF
12 STATE'S DATABASE WITHIN 5 DAYS OF RECEIPT, AND THE SECRETARY OF
13 STATE SHALL REFUSE TO RENEW THE REGISTRATION OF THE MOTOR VEHICLE,
14 CAUSE TITLE OF THE MOTOR VEHICLE INVOLVED IN THE CIVIL OFFENSE TO
15 NOT BE TRANSFERRED IN THIS STATE, AND CAUSE THE PERSON HELD
16 RESPONSIBLE FOR THE CIVIL OFFENSE TO BE INELIGIBLE TO OBTAIN OR
17 RENEW AN OPERATOR'S OR CHAUFFEUR'S LICENSE IN THIS STATE, UNTIL THE
18 CIVIL FINE, COSTS, FEES, AND ASSESSMENT ARE PAID TO THE LOCAL UNIT
19 OF GOVERNMENT. THE SECRETARY OF STATE SHALL MAIL A NOTICE TO THE
20 PERSON IN WHOSE NAME THE VEHICLE IS REGISTERED THAT INFORMS THE
21 PERSON OF ALL OF THE FOLLOWING:

22 (A) THAT THE REGISTRATION OF THE MOTOR VEHICLE SHALL NOT BE
23 RENEWED.

24 (B) THAT THE TITLE OF THE MOTOR VEHICLE INVOLVED IN THE CIVIL
25 OFFENSE SHALL NOT BE TRANSFERRED.

26 (C) THAT THE PERSON HELD RESPONSIBLE FOR THE CIVIL OFFENSE
27 SHALL BE INELIGIBLE TO OBTAIN OR RENEW AN OPERATOR'S OR CHAUFFEUR'S

1 LICENSE.

2 (D) THAT THE REASON FOR THE PENALTIES DESCRIBED IN SUBDIVISION
3 (A) TO (C) IS THE FAILURE TO PAY AN ORDINANCE VIOLATION ADOPTED
4 UNDER SECTION 752.

5 (E) WHAT THE PERSON IS REQUIRED TO DO TO REMOVE THE PENALTIES.

6 (4) THE SECRETARY OF STATE SHALL REMOVE THE PENALTIES
7 DESCRIBED IN SUBSECTION (3) IF ANY PERSON PRESENTS THE SECRETARY OF
8 STATE WITH ADEQUATE PROOF THAT THE FINE, COSTS, FEES, AND
9 ASSESSMENT HAVE BEEN PAID AND ANY IMPOSED REINSTATEMENT FEE HAS
10 BEEN PAID, IF APPLICABLE.

11 (5) IF THE LOCAL UNIT OF GOVERNMENT HAS GIVEN A NOTICE OF
12 NONPAYMENT TO THE SECRETARY OF STATE AND THEREAFTER THE CIVIL FINE,
13 COSTS, FEES, AND ASSESSMENT HAVE BEEN PAID, THE LOCAL UNIT OF
14 GOVERNMENT SHALL TRANSMIT NOTICE OF THE PAYMENT TO THE SECRETARY OF
15 STATE.

16 SEC. 757. THE FOLLOWING PROCEDURES APPLY TO PROCEEDINGS TO
17 CONTEST A CITATION ISSUED UNDER SECTION 752:

18 (A) THE CITATION, ANY EVIDENCE OF THE CIVIL OFFENSE PRODUCED
19 BY AN AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE, AND EVIDENCE OF
20 OWNERSHIP OF A VEHICLE AS SHOWN BY COPIES OR SUMMARIES OF OFFICIAL
21 RECORDS SHALL BE ADMISSIBLE INTO EVIDENCE AS OFFICIAL RECORDS OR
22 BUSINESS RECORDS WITHOUT THE NEED FOR ADDITIONAL FOUNDATION.

23 (B) THE COURT MAY ASSESS A CIVIL FINE OF NOT MORE THAN \$130.00
24 AND ASSESS COSTS OF NOT MORE THAN \$130.00, WHICH SHALL BE DISBURSED
25 AS PROVIDED IN SECTION 752. COURT COSTS SHALL BE RETAINED BY THE
26 LOCAL UNIT OF GOVERNMENT WHERE THE CITATION WAS ISSUED.

27 SEC. 758. (1) A FEE OF \$10.00 SHALL BE COLLECTED BY THE COURT

1 IN CONNECTION WITH A CITATION ISSUED UNDER SECTION 752 TO BE PAID
2 TO THE LOCAL UNIT OF GOVERNMENT WHERE THE CITATION WAS ISSUED AS
3 COMPENSATION FOR RECORD KEEPING AND TRANSACTION PROCESSING WITH
4 RESPECT TO CITATIONS ISSUED UNDER SECTION 752.

5 (2) A \$5.00 STATEWIDE TRAUMA ASSESSMENT SHALL BE COLLECTED BY
6 THE COURT IN CONNECTION WITH A CITATION ISSUED UNDER SECTION 752.
7 THIS ASSESSMENT SHALL BE DEPOSITED IN THE STATEWIDE TRAUMA FUND
8 ESTABLISHED IN SECTION 761.

9 (3) NO PERSON SHALL BE RESPONSIBLE FOR PAYMENT OF A CIVIL
10 FINE, COSTS, FEES, OR ASSESSMENT FOR A CITATION ISSUED UNDER
11 SECTION 752 IF THE OPERATOR OF THE VEHICLE THAT IS THE SUBJECT OF
12 THE CITATION IS ADJUDICATED TO HAVE NOT COMMITTED A CIVIL OFFENSE
13 OR THERE IS OTHERWISE A LAWFUL DETERMINATION THAT NO CIVIL FINE,
14 COSTS, FEES, OR ASSESSMENT MAY BE IMPOSED.

15 (4) A PERSON SHALL NOT BE ARRESTED OR IMPRISONED FOR
16 NONPAYMENT OF A CIVIL FINE, COSTS, FEES, OR ASSESSMENT IMPOSED
17 UNDER SECTION 752 OR THIS SECTION.

18 (5) THE RECORDED IMAGES AND VIDEOS PRODUCED BY AN AUTOMATED
19 TRAFFIC ENFORCEMENT SAFETY DEVICE SHALL BE DESTROYED WITHIN 90 DAYS
20 OF THE FINAL DISPOSITION OF THE CASE TO WHICH IT PERTAINS,
21 INCLUDING ANY APPEALS, UNLESS OTHERWISE ORDERED BY A COURT OF
22 COMPETENT JURISDICTION.

23 (6) ALL RECORDED IMAGES AND VIDEOS PRODUCED BY AN AUTOMATED
24 TRAFFIC ENFORCEMENT SAFETY DEVICE THAT DO NOT IDENTIFY A CIVIL
25 OFFENSE SHALL BE DESTROYED BY THE LOCAL UNIT OF GOVERNMENT OR AN
26 AGENT WITHIN 90 DAYS OF THE DATE THE IMAGE WAS RECORDED, UNLESS
27 OTHERWISE ORDERED BY A COURT OF COMPETENT JURISDICTION.

1 (7) THE IMAGES AND VIDEOS DESCRIBED IN THIS SECTION AND
2 SECTION 752 SHALL NOT CONTAIN IMAGES OF THE FACE OF THE OPERATOR OR
3 PASSENGERS IN THE VEHICLE.

4 SEC. 759. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL OF
5 THE FOLLOWING APPLY TO A CIVIL OFFENSE THAT IS THE SUBJECT OF A
6 CITATION ISSUED UNDER AN AUTOMATED TRAFFIC ENFORCEMENT SAFETY
7 PROGRAM UNDER SECTION 752:

8 (A) IT IS NOT A MOVING VIOLATION.

9 (B) IT SHALL NOT BE CONSIDERED IN THE PROVISION OF MOTOR
10 VEHICLE INSURANCE.

11 (C) IT SHALL NOT BE REPORTED TO THE SECRETARY OF STATE FOR
12 INCLUSION ON A PERSON'S DRIVING RECORD.

13 (D) IT SHALL NOT CAUSE THE ASSESSMENT OF POINTS AGAINST THE
14 OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON RESPONSIBLE FOR THE
15 CIVIL OFFENSE.

16 SEC. 760. NOT LATER THAN 1 YEAR AFTER THE DATE A LOCAL UNIT OF
17 GOVERNMENT IMPLEMENTS AN AUTOMATED TRAFFIC ENFORCEMENT SAFETY
18 DEVICE PROGRAM, AND EACH YEAR AFTER THAT, THE LOCAL UNIT OF
19 GOVERNMENT SHALL POST A REPORT ON ITS WEBSITE THAT INCLUDES A
20 COMPARISON AND ANALYSIS OF THE NUMBER OF CITATIONS ISSUED UNDER
21 SECTION 752.

22 SEC. 761. THE STATEWIDE TRAUMA FUND IS ESTABLISHED IN THE
23 DEPARTMENT OF TREASURY AND SHALL BE ADMINISTERED BY THE STATE
24 TREASURER.

25 (2) THE DEPARTMENT OF TREASURY SHALL RECEIVE AND FORWARD TO
26 THE STATE TREASURER FOR DEPOSIT IN THE STATEWIDE TRAUMA FUND ALL
27 FEES COLLECTED UNDER SECTION 758(2). THE FUND MAY RECEIVE AS

1 REVENUE MONEY FROM ANY OTHER SOURCE, AS APPROPRIATED BY THE
2 LEGISLATURE.

3 (3) THE REVENUE IN THE STATEWIDE TRAUMA FUND SHALL BE EXPENDED
4 TO PAY FOR COSTS RELATED TO THE STATEWIDE TRAUMA SYSTEM DESCRIBED
5 IN SECTION 4 OF 1989 PA 196, MCL 780.904.

6 (4) MONEY IN THE STATEWIDE TRAUMA FUND THAT IS UNEXPENDED AT
7 THE END OF THE STATE FISCAL YEAR SHALL BE CARRIED OVER TO THE
8 SUCCEEDING STATE FISCAL YEAR, SHALL NOT REVERT TO THE GENERAL FUND,
9 AND SHALL BE EXPENDED AS PROVIDED IN SUBSECTION (3).

10 SEC. 762. IT IS THE INTENT OF THE LEGISLATURE THAT A LOCAL
11 UNIT OF GOVERNMENT USE REVENUE FROM CITATIONS ISSUED UNDER SECTION
12 752 TO ENHANCE ITS FUNDING FOR LAW ENFORCEMENT OPERATIONS, NOT TO
13 REPLACE CURRENT FUNDING.